

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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DEC 10 2004

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Reclassification of License of ) RM - 11101  
Station KZFM(FM), Corpus Christi, Texas )  
)

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**MOTION TO ACCEPT LATE FILED PLEADING**

Malkan FM Associates ("Malkan"), licensee of Station KZFM(FM), Corpus Christi, Texas, by its counsel, hereby moves for acceptance of the accompanying *Response to Order to Show Cause* (the "*Response*"). On October 15, 2004, the Commission released an *Order to Show Cause* that directed Malkan to demonstrate why the authorization for Station KZFM(FM) should not be modified to specify Channel 238C0. Malkan was directed to express its intention to maintain Class C facilities for Station KZFM(FM) by December 9, 2004. However, Malkan inadvertently failed to file its expression by December 9, 2004. Therefore, Malkan respectfully requests that the Commission accept Malkan's accompanying Response.

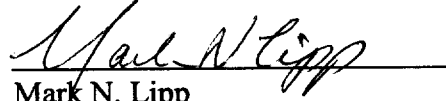
Pursuant to Note 4 of Section 73.3573 of the Commission's Rules, once Malkan has expressed its intention to maintain Class C facilities, it has 180 days to file an acceptable construction permit application to increase antenna height to at least 451 meters HAAT. The *Order to Show Cause* states that this 180 day period begins on the date that Malkan's Response was due. Thus, accepting the accompanying Response one date late should not adversely impact anyone's rights in this proceeding because Malkan must still file its upgrade application 180 days from December 9, 2004.

WHEREFORE, Malkan FM Associates respectfully requests that the Commission accept the accompanying *Response to Order to Show Cause*.

Respectfully submitted,

MALKAN FM ASSOCIATES

By:



Mark N. Lipp  
Scott Woodworth  
Vinson & Elkins L.L.P.  
1455 Pennsylvania Ave, NW  
Suite 600  
Washington, DC 20004-1008  
(202) 639-6500

Its Counsel

December 10, 2004

**CERTIFICATE OF SERVICE**

I, Lisa M. Holland, a secretary in the law firm of Vinson & Elkins L.L.P., do hereby certify that on this 10th day of December, 2004, I caused copies of the foregoing "**Motion**" to be mailed, first class postage prepaid, or hand delivered, addressed to the following persons:

- \* Victoria M. McCauley  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, TX 75205

  
Lisa M. Holland

- \* Hand-delivered